

CITY COUNCIL PROCEEDINGS

May 10, 2005

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 10, 2005
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Major Charles Smith, Salvation Army, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the May 3, 2005 meetings were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

PROCLAMATIONS:

Mayor Mayans read the following Proclamations:

Professional Nursing Week-Dr. Carla Lee and group

See America Week-John Rolfe

Recognition

RECOGNITION OF SISTER CITIES STUDENT AMBASSADORS TO ORLEANS.

Mayor Mayans presented Michael Summers and Michelle Cullins with a certificate and De Eaton presented each of them with a \$500.00 scholarship award to attend Orleans, France.

(Council Member Schlapp momentarily absent)

CONSENT AGENDA

Motion--carried

Martz moved to approve the Consent Agenda as presented. Motion carried 6 to 0, (Schlapp absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 9, 2005.

Bids were opened May 6, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Main 20 Southwest Interceptor Sewer - north of 21st Street North, east and west of Hoover. (468-83796/744056/480744) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$737,492.00

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 359

Lateral 50, Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83949/744109/480797)

Dondlinger & Sons - \$26,567.00

Thoroughbred from the south line of Lot 21, Block D, north to the south line of Central Avenue; Taylor Circle (Lots 1 through 21, Block D) from the west line of Thoroughbred west to and including the cul-de-sac; Taylor Circle (Lots 10 through 28, Block C) from the east line of Thoroughbred east to and including the cul-de-sac; Thoroughbred Court from the east line of Thoroughbred east to and including the cul-de-sac; Sidewalk on both sides of Thoroughbred to serve Highland Springs 3rd Addition - south of Central, west of 135th Street West. (472-83779/765898/ 490011) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$289,898.35

Motion--

Martz moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent)

--carried

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Portable Salt Conveyor and Hopper.

KIMCO USA Inc. - \$117,750.00 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Roof Replacement at Career Development.

Larry Booze Roofing Inc. - \$22,057.00 (Group 1/Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT: Replace Roofs – Various Resident Locations.

S & A Construction Inc. - \$29,240.00 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Spread, Incorporate Existing Wood Chips.

Bob Bergkamp Construction - \$155,000.00 (Group 2 Alternate/Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Lights/Faucets/Toilet Partitions – Evergreen.

Alliance Electrical Contracting LLC - \$5,524.49 (Group 1/Total Net Bid)

Arambula Construction Co Inc. - \$11,970.00 (Group 2/Total Net Bid)

Champion Construction - \$5,902.31 (Group 3/Corrected Total Net Bid)

PARK & RECREATION DEPARTMENT/LANDSCAPE DIVISION: McAdams Neighborhood Signs.

Barkley Construction - \$49,000.00 (Group 1/Alternate A/Total Net Bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Sodium Hypochloride.

Brenntag Southwest Inc. - \$.90* (Group 1/per gallon)

Awarded 06/08/2004; Price escalation from \$.83 for bulk to \$.90

*Estimate – Contract approved on unit cost basis; refer to attachments.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 360

Brenntag Southwest Inc. - \$1.10* (Group 1/per gallon)

Awarded 06/08/2004; Price escalation from \$.95 to \$1.10 for 55 gallon drum

*Estimate – Contract approved on unit cost basis; refer to attachments.

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. 6 to 0, (Schlapp absent)

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Marijo Taylor	Taco Tico Operations Inc.*	311 East Pawnee
Marijo Taylor	Taco Tico Operations Inc.*	3425 East Douglas
Marijo Taylor	Taco Tico Operations Inc.*	460 North West Street
Marijo Taylor	Taco Tico Operations Inc.*	1303 North Tyler Road
Marijo Taylor	Taco Tico Operations Inc.*	929 North Broadway
Marijo Taylor	Taco Tico Operations Inc.*	1230 South Rock Road
Marijo Taylor	Taco Tico Operations Inc.*	603 East 47th Street South
Marijo Taylor	Taco Tico Operations Inc.*	1118 West Douglas
Marijo Taylor	Taco Tico Operations Inc.*	2051 South Seneca
Marijo Taylor	Taco Tico Operations Inc.*	3257 East Harry
Marijo Taylor	Taco Tico Operations Inc.*	3131 North Rock Road

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Martz moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Schlapp absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Storm Water Drain #199 to serve Woodland Lakes Estates 3rd Addition - north of Harry, west of 127th Street East. (468-83592/751393/485284) Does not affect existing traffic. (District II) - \$438,100
- b) Hawthorne Street from the south line of Lot 13, Block A, north to and including the Hawthorne Court and continuing south to the north line of Siefkes to serve Shoal Creek 3rd Addition - south of Central, west of 143rd Street East. (472-84085/765930/490043) Does not affect existing traffic. (District II) - \$87,200
- c) West Side Athletic Field Lighting Project - Athenian & McLean Blvd. (472-84002/602562/800402 /010123) Does not affect existing traffic. (District IV) - \$50,000
- d) Water distribution system, Phase II to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-89911/735237/470908) Does not affect existing traffic. (District V) - \$62,000
- e) Water distribution system, Phase IIB to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-90035/735241/470912) Does not affect existing traffic. (District V) - \$69,000
- f) Water distribution system to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-90036/735238/470909) Does not affect existing traffic. (District V) - \$10,500

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 361

- g) Cost of 37th Street North, from Tyler Road to Ridge Road to serve Avalon Park Addition (Lots 1 thru 52, Block 1; Lots 1 thru 13, Block 2; Lots 1 thru 18, Block 3; Lots 1 thru 28, Block 4), Unplatted Tract "A"; Unplatted Tract "B"; Northridge Plaza Addition (Lots 1 thru 11, Block A); North Ridge Addition (Lots 1 thru 21, Block A; Lots 1 thru 6, Block B; Lots 1 thru 15, Block C; Lots 1 thru 3, Block D); Tyler's Landing Addition (Lots 1 thru 16, Block A; Lots 1 thru 37, Block B; Lots 1 thru 28, Block C; Lots 1 thru 19, Block D; Lots 1 thru 3, Block E); Tyler's Landing 2nd Addition (Lots 1 thru 27, Block A; Lots 1 thru 67, Block B; Lots 1 thru 14, Block C); Unplatted Tract "C"; Hoskinson's 2nd Addition (Lots 5 thru 8, Block A); and Unplatted Tract "D". (District V) (472-83941/765852/490-963 – Total Estimated Cost \$250,000
- h) Cost of construction of Lateral 4, Main 10, Four Mile Creek Sewer: The Fairmont Third Addition – west of 127th Street East, north of 21st Street. (468-83935/744099/480-787). Total estimated cost \$147,150

Motion--carried

Martz moved that the Preliminary Estimates be received and filed. Motion carried Motion carried 6 to 0, (Schlapp absent).

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a) Utility Easement dated March 1st, 2005 from RRGNL, L.L.C., a Kansas Limited Liability Company, located over a portion Lot 10, Block A, Ridge Port Commercial Park, Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- b) Utility Easement dated March 3rd, 2005 from Riverside Village, Inc., a Kansas Corporation, located over a portion Lot 1, Block 1, Riverside Health System 3rd Addition, Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- c) Utility Easement dated April 7th, 2005 from Twenty First Growth Property, LLC., located over a portion of Lots 1, 2, and 3, Block 1, and Reserve "A", Hawthorne Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- d) Utility Easement dated April 21st, 2005 from Vantage Point Waterfront Properties, LLC; Murfin Drilling Company, INC.; Box Development, LLC; KCBB, Inc., located over a portion of Lot 3, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas and over a portion of Lot 4, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City
- e) Drainage and Utility Easement dated April 12, 2005 from International Trading Inc., located over a portion of Lots 8 and 9, Block 3, Woodland Lakes Estates Third Addition, an addition to Wichita, Sedgwick County, Kansas, and a portion of Reserve "C", Woodland Lakes Estates Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 751393) No Cost to City
- f) Drainage and Utility Easement dated March 16, 2005 from International Trading Inc., located over a portion of Lot 18, Block 1, Woodland Lakes Estates Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 751393) No Cost to City
- g) Utility Easement dated April 18, 2005 from Newmarket Square, LTD., located over a portion of Lot 1, Block 1, Newmarket Square, an addition to Wichita, Sedgwick County, Kansas (OCA 735242) No Cost to City
- h) Waterline Easement dated March 11, 2005 from Beech Lake Investment, LLC., located over a portion of Lot 1, Block 1, The Waterford Third Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 362

- i) Utility Easement dated April 11, 2005 from Maxine L. Cole, President of Co-Co, Inc., Manager of KTW II LLC., located over a portion of Lot 1, Block 1, K.T. Wiedemann Business Park, Wichita, Sedgwick County, Kansas (OCA 607861). No Cost to City
- j) Water Line Easement date April 8, 2005 from Carmax Auto Superstores, Inc., located over a portion of Lot 1, Block A, Pizza Hut 2nd Addition to Wichita, Sedgwick County, Kansas (OCA 607861) No cost to City
- k) Utility Easement dated April 8th, 2005 from Carmax Auto Superstores, Inc., located over a portion of Lot 1, Block A, Pizza Hut 2nd Addition to Wichita, Sedgwick County, Kansas (OCA 607861) No cost to City
- l) Water Line Easement date April 8, 2005 from Carmax Auto Superstores, Inc., located over a portion of Lot 1, Block A, Pizza Hut 2nd Addition to Wichita, Sedgwick County, Kansas (OCA 607861) No cost to City
- m) Right of Way Dedication dated April 5, 2005 from Blue Lake, L.L. C.; a Kansas Limited Liability Company located over a portion of Lot 117, Block A, Blue Lake Addition, Wichita, Sedgwick County, Kansas (OCA #765905) No Cost to City
- n) Sanitary Sewer Easement dated February 12, 2005 from Kathleen M. Aguilera and Richard H. Aguilera, located over a portion of the southeast corner of the north half of the northeast quarter of the Southeast Quarter of Section 15, Township 27 south, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 765904) No Cost to City
- o) Sanitary Sewer Easement dated April 7, 2005 from Peggy L. Cook, located over a portion of the Northwest Quarter of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 624054) No Cost to City
- p) Permanent Easement dated March 29, 2005 from Verna Cornwell, located over a portion of SE 1/4 of SEC. 34, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas (OCA#706914) No cost to City
- q) Sanitary Sewer Easement dated April 1st, 2005 from Target Corporation, a Minnesota corporation, located over a portion Lot 12, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#744115) No cost to City

Motion--carried

Martz moved that the documents be accepted. Motion carried 6 to 0, (Schlapp absent).

PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENT

RIVENDALE ADD.

CONSTRUCT A STORM WATER DRAIN IN RIVENDALE ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0434

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements to a new residential development located north of 55th St. South, west of Hydraulic.

The Petition totals \$182,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 363

Motion--carried

Martz moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 05-256

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 268 (north of 55th street south, west of Hydraulic) 468-84015, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

THE PLAZA

CONSTRUCT A SANITARY SEWER TO SERVE PART OF THE PLAZA AT CHERRY CREEK HILLS ADDITION, EAST OF ROCK, SOUTH OF PAWNEE. (DISTRICT II)

Agenda Report No. 05-0435

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service to an undeveloped commercial tract located east of Rock, south of Pawnee.

The Petition totals \$22,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property improvement district.

Motion--carried

Martz moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 05-257

Resolution of findings of advisability and Resolution authorizing construction of Lateral 36, Main 17, War Industries Sewer (east of Rock, south of Pawnee) 468-83999, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

WATERFRONT ADD.

PAVING, TRAFFIC SIGNAL, DRAINAGE AND WATER IMPROVEMENTS IN THE WATERFRONT ADDITION, NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0436

On February 11, 2003, March 25, 2003, and June 17, 2003, the City Council approved paving, traffic signal, drainage and water improvements for the Waterfront Addition. The developer has submitted new Petitions to update the improvement districts to reflect recent platting activity. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve new commercial developments located north of 13th, east of Webb.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Martz moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0, (Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 364

RESOLUTION NO. 05-258

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system No. 448-89768, (east of Webb, north of 13th) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

RESOLUTION NO. 05-259

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 189, (east of Webb, north of 13th) 468-83500, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

RESOLUTION NO. 05-260

Resolution of findings of advisability and Resolution authorizing improving Waterfront Parkway from the north line of 13th street to the east line of Webb Road, (north of 13th, east of Webb) 472-83688, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

RESOLUTION NO. 05-261

Resolution of findings of advisability and Resolution authorizing improving left and right turn lanes on 13th street to serve the Waterfront Addition and adjacent tracts, including the relocation and burying of existing electrical transmission lines (east of Webb, north of 13th) 472-83699, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

RESOLUTION NO. 05-262

Resolution of findings of advisability and Resolution authorizing improving left and right turn lanes on Webb Road to serve the Waterfront Addition and adjacent tracts (north of 13th, east of Webb) 472-83700, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

RESOLUTION NO. 05-263

Resolution of findings of advisability and Resolution authorizing improving a Traffic Signalization at the intersection of Waterfront Parkway and 13th street (north of 13th, east of Webb) 472-83701, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

RESOLUTION NO. 05-264

Resolution of findings of advisability and Resolution authorizing improving a Traffic Signalization at the intersection of Waterfront Parkway and 13th street (north of 13th, east of Webb) 472-83702 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 365

RESOLUTION NO. 05-265

Resolution of findings of advisability and Resolution authorizing improving a Street Lighting System in Waterfront Parkway from the north line of 13th street to the east line of Webb Road (north of 13th, east of Webb) 472-83808, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

SANTA FE ORIENT

CONSTRUCT A SANITARY SEWER TO SERVE PART OF SANTA FE ORIENT INDUSTRIAL DISTRICT THIRD ADDITION, SOUTH OF HARRY, EAST OF MERIDIAN. (DISTRICT IV)

Agenda Report No. 05-0437

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service for two vacant industrial tracts located south of Harry, east of Meridian.

The Petition totals \$36,727. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Martz moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 05-266

Resolution of findings of advisability and Resolution authorizing construction of Lateral U, Sanitary Sewer #8 (south of Harry, east of Meridian) 468-83915, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans; (Schlapp absent).

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CONTRACT REPORT

MARCH 2005 CONTRACT RENEWAL REPORT

Motion--carried

Martz moved that the file be received. Motion carried 6 to 0, (Schlapp absent).

AGREEMENTS/CONTRACTS:

FIREFLY DRIVE

FIREFLY DRIVE AND AZURE LANE IN WHISTLING WALK ESTATES ADDITIONS, SOUTH OF 13TH STREET, WEST OF 119TH STREET WEST. (DISTRICT V) – SUPPLEMENTAL.

Agenda Report No. 05-0438

The City Council approved the paving improvements for Whistling Walk Estates Additions on October 19, 2004. The Staff Screening & Selection Committee selected Baughman for the design on November

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 366

18, 2004. On December 21, 2004, the City entered into an Agreement with Baughman Company, P.A. for designing the paving improvements Whistling Walk Estate Additions for a fee of \$32,500.

The City Council approved the water distribution system and sewer improvements in Whistling Walk Estates Addition on May 3, 2005. Baughman has been asked also to include the sewer and water improvements to their existing paving improvements. The proposed Supplemental Agreement provides for the additional design services.

Payment to Baughman will be on a lump sum basis of \$23,110, and will be paid by special assessments.

Motion--
--carried

Martz moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

SOUTHERN RIDGE

CONSTRUCTION ENGINEERING AND STAKING IN SOUTHERN RIDGE SECOND ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV) – SUPPLEMENTAL.

Agenda Report No. 05-0439

The City Council approved the storm water drainage and paving improvements in Southern Ridge 2nd Addition on September 14, 2004. On February 15, 2005 the City approved an Agreement with Baughman Company, Inc. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$45,030, and will be paid by special assessments.

Motion--
--carried

Martz moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

AUBURN HILLS

CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 15TH ADDITION, WEST OF 135TH STREET WEST, NORTH OF KELLOGG. (DISTRICT V) – SUPPLEMENTAL.

Agenda Report No. 05-0440

The City Council approved the storm water drainage improvements in Auburn Hills 15th on January 6, 2004 and the water distribution system, sanitary sewer and paving improvements on March 1, 2005. On March 16, 2004 and March 22, 2005 the City approved Agreements with Baughman Company, P.A. to design the improvements. The Design Agreements with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreements between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$45,383, and will be paid by special assessments.

Motion--
--carried

Martz moved that the Supplemental Agreements be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 367

DESIGN SERVICES AGREEMENTS

SHOAL CREEK ADD. SHOAL CREEK THIRD ADDITION, WEST OF 143RD STREET EAST, SOUTH OF CENTRAL. (DISTRICT V)

Agenda Report No. 05-0441

The City Council approved the water distribution system and paving improvements in Shoal Creek 3rd Addition on March 24, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system and paving in Shoal Creek 3rd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$10,400, and will be paid by special assessments.

Motion--
--carried

Martz moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

YMCA

NORTHWEST YMCA ADDITION, NORTH OF 21ST STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0442

The City Council approved the water distribution system and sanitary sewer improvements in Northwest YMCA Addition on February 15, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, P.A. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system and sanitary sewer in Northwest YMCA Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$35,100, and will be paid by special assessments.

Motion--
--carried

Martz moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

PROPERTY ACQUISITIONS:

3509 E. KINKAID

3509 EAST KINKAID FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0443

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 3509 East Kinkaid, which is owned by Mr. & Mrs. Bill Gordon. The site contains 12,290 square feet and is improved with a 2,585 square foot tri-level, contemporary, wood frame residence.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 368

The city had the property appraised in February 2005. The appraised value of \$160,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$165,000 is requested. This includes \$160,000 for the acquisition, \$4,250 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Martz moved that the Budget be approved; the Real Estate Purchase Contract approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

3916 E. MT. VERNON 3916 EAST MT. VERNON FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0444

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors and are below the one hundred year flood elevation. One such property is 3916 East Mt. Vernon. It is owned and occupied by Joseph and Ruth Evans. The site contains 7,823 square feet and is improved with a six bedroom 1,136 square foot, ranch style residence.

The city had the property appraised in March 2005. The appraised value of \$90,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$96,000 is requested. This includes \$90,000 for the acquisition, \$5,250 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Martz moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

53RD ST. NORTH PARTIAL ACQUISITION OF LAND AND EASEMENTS FOR THE NORTH AREA SEWER SANITARY LINE NEAR MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0445

On October 21, 2003, the City Council approved the construction, extension of a vacuum sanitary sewer line and pump lift station to provide service to newly developing areas in north Wichita. This project requires the acquisition of utility easements on 10 tracts of land for permanent easements and a lift pump station, utility easements to the facility and temporary construction easements on property owned by multiple landowners.

One of the tracts we are seeking to acquire presently contains 40.4 acres or approximately 1,759,824 square feet. The permanent utility easement encompasses a 40'x85' site in the northeast corner of the property which is approximately 3,420 square feet. The temporary construction easement will impact 10,148 square feet only during construction. The property owner has agreed to provide the necessary easements to the City for \$600. This equates to \$.17 per square foot for the permanent easement.

A budget of \$800 is requested. This includes \$600 for the acquisition and \$200 for title work, closing costs, etc. The funding source is the sewer utility.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 369

Motion--
--carried

Martz moved that the Budget, the Real Estate Purchase Contract, Utility Easements and Temporary Easement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

2417 S. PATTIE

2347 SOUTH PATTIE FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0446

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require the acquisition of several parcels of land and easements. One of the required acquisitions is a 816 square foot single-family residence at 2347 South Pattie. The property has 2 bedrooms and 1 bath and is frame construction. The property is owner-occupied.

The property was appraised at \$57,000. This amount was offered to the owners and the land owners countered at \$68,400. Their figure was based on an appraisal prepared by a certified appraiser. The owner will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$97,400 is requested. This includes \$68,400 for the acquisition, \$5,000 for demolition, \$23,000 for relocation and \$1,000 for title work and closing costs.

Motion--
--carried

Martz moved that the budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

PUMP STATION

PUMP STATION SITE. (DISTRICT V)

Agenda Report No. 05-0447

It has been determined that a booster pump station is required to improve water pressure in the far west part of Wichita. A review of system requirements indicated that a location near Maple between 135th and 151st West would be optimum. A site was located on the north side of Maple in the 14500 block. The site is currently undeveloped. It is immediately west of a platted residential subdivision. The owner of the site is also the developer of the subdivision.

The developer has agreed to dedicate the site to the City. The City will work with the developer on landscaping and access. As the subdivision is developed, the City will modify the improvements to coordinate with the subdivision design.

Design, landscaping and construction costs are provided for in the project budget.

Motion--
--carried

Martz moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

MASTER SERIES

MASTER SERIES SERVER REPLACEMENT.

Agenda Report No. 05-0448

Master Series is the Asset Management system utilized by the Water & Sewer Department to store infrastructure asset inventory information, generate work orders and maintain work history. The current system has been in place since 1999 without a hardware upgrade.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 370

To insure that the Asset Management system will remain sustainable in the long-term and to acquire new functionality, it is necessary to replace the existing hardware and upgrade the system.

Master Series, Inc. is the sole source for this required upgrade assistance. Functions to be gained by upgrading the hardware and software are:

- SQL Server based RDBMS
- Streamline of RDBMS support
- Improved system performance
- Increased GIS data integration
- Enhanced-Base Master Series functionality

The IT/IS Advisory Board has approved Staff's recommendation.

The cost for the database migration with Master Series is \$6,900. The cost for the server replacement and purchase of SQL*Server RDBMS is \$22,331 for a combined total of \$29,231. Adequate funding is available in the 2005 Water & Sewer operating budget.

Purchase Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources without advertising for bids. The purchase will be made from Master Series, Incorporated. The Contract will be reviewed and approved as to form by the Law Department.

Motion--

Martz moved that the purchase of hardware and software be approved, the Master Series as the sole source of services for the migration be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

DONATION

DONATION FROM DILLON'S/MILK-BONE AND OTHERS FOR THE PURCHASE OF A NARCOTICS DETECTION DOG.

Agenda Report No. 05-0449

The Police Department began researching the acquisition of another drug-detecting dog for Field Services during the beginning of 2005. Police found that during regular work shifts, street officers could utilize a drug-detecting dog on a daily basis. Upon learning about various aspects and requirements of the purchase of a dog and handler's training, the Police sought and obtained donations from several companies. A \$5,000 grant has been offered from the Milk-Bone, as well as \$1,500 from the Dillon's company to be used to purchase the dog itself. Police has also received donations of cash, veterinary care, a kennel for the officer's home, and dog food.

The Police Department has identified a need for an additional drug-detecting dog that could assist the Department's Special Community Action Teams (SCAT) and patrol officers with car stops to better address neighborhood drug complaints. Currently, the only drug-detecting dogs used by the Department are one assigned to the Undercover Section of the Special Investigations Bureau and one in the Field Services Division. These two dogs work various times of the day and evening. The proposed third Police dog would also be assigned to the Field Services Division during evening/night hours to better serve street level officers and offer 7 days of coverage to the Field Services Division.

The Police substations receive between 500-700 neighborhood complaints every year from citizens, many of which are centered on suspects selling narcotics. The Police Department has contacted 10 other comparable municipal police departments to inquire about their K-9 units. Every department has a K-9 unit, the largest belonging to the Tulsa Police Department with 12 dogs and the smallest unit in Lincoln, Nebraska with four dogs. The Sedgwick County Sheriff's Department currently has two working dogs assigned to road patrol and they are currently in the process of purchasing another dog to add to their unit.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 371

The entire project will be funded through grants and donations, with the exception of one Police fleet vehicle, which will be converted to a K-9 vehicle. The package price for the narcotics detecting and evidence recovery dog and training from Elliot Canine is \$6,000. Police have received donations and have been made aware of additional grant funding sources to facilitate the purchase, care, and maintenance of the dog; and, the annual training of the handler. These donations and grants are listed below:

1	Milk-Bone	\$5,000
1	Dillons	\$1,500
1	Wichita Kennel Club, Wichita Dog Training Club	\$1,000
1	First Pentecostal Church	\$1,580
1	KT Wiedemann Foundation	\$1,500
1	Big Dog Motorcycles	\$1,000
1	Wichita Veterinary Medical Association	\$1,000
1	Ritchie Corporation	\$ 550
1	Wichita Fence Company	Home kennel
1	Solomon Veterinary Clinic	Veterinary care
1	Bed and Biscuit Pet Center	Dog food

The Law Department will review and approve the donation of money and services in support of a K-9 program within Field Services.

Motion--
-- carried

Martz moved that the donation of money and services from entities willing to support a narcotics detection dog assigned to Field Services be approved. Motion carried 6 to 0, (Schlapp absent).

KDOT

GRANT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.

Agenda Report No. 05-0450

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071, which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,375 for FY 2006 (July 1, 2005 through June 30, 2006), which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City of Wichita - Wichita Transit to file for eligible State funds in support of the City's Transit services for capital purchases and operations. This action is similar to what the City filed for KDOT's FY 2005 funds last year.

The grant will provide for the following:

Local matching funds requirements towards the purchase of an Advanced Vehicle Locator (AVL) system and

Continuing KDOT-funded service enhancements, including enhanced midday fixed route operations, associated fuels, operations safety program, and ADA paratransit support.

The \$1,085,375 funds will be divided into Operations (\$1,035,375) and Capital (\$50,000) as the local match (20%) for federal capital funding (80%). There are no City funds involved in this project.

The City Law Department will review the contract prior to execution as to form.

Motion--
--carried

Martz moved that the filing for the Grant with KDOT be approved and the Mayor authorized to execute the contract. Motion carried 6 to 0, (Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 372

HUD PLAN 2005/2006 HUD 2005/2006 ONE-YEAR ACTION PLAN.

Agenda Report No. 05-0451

The U.S. Department of Housing and Urban Development (HUD) requires submittal of a Five-Year Consolidated Plan with a One-Year Action Plan for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs. On April 5, 2005, the City Council approved the draft 2005/2006 One Year Action Plan as an amendment to the 2004/2008 Consolidated Plan and authorized the thirty-day public comment period to begin.

The City's 2005/2006 One Year Action Plan lists the federal resources available from various grant assistance programs to address priority needs identified in the Consolidated Plan. A description of the activities funded, the geographic location of the activities, and other special needs and activities to be undertaken during the fiscal year are included in the action plan. The 2005/2006 One Year Action Plan covers the period beginning July 1, 2005 and ending June 30, 2006.

The 2005/2006 One Year Action Plan totals \$5,878,711. All of the Consolidated Plan funds have been previously allocated by the City Council and committed to approved projects.

No comments were received during the thirty-day public comment period. The City has met all federal requirements to submit the final 2005/2006 One Year Action Plan to HUD.

Motion--

Martz moved that the public comment period be closed; the 2004/2008 HUD Consolidated Plan approved and the necessary signatures and submission of the plan to HUD be authorized.

--carried

Motion carried 6 to 0, (Schlapp absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 3, 2005)

- a) Sidewalk Repair Assessment Program.

ORDINANCE NO. 46-584

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent)

- b) Main Trafficways: Central between I-235 Freeway and West Street; Broadway between Kellogg and Douglass; the K-96 Bike Path, from Oliver to the East City Limits and the 9th Street Bridge at the Westlink Tributary to Cowskin Creek. (Districts I, II, IV, V and VI)

ORDINANCE NO. 46-585

1. An Ordinance amending Ordinance No. 43-976 of the City of Wichita, Kansas declaring Central Avenue, from the I-235 Freeway to West Street (472-83014) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 373

ORDINANCE NO. 46-586

2. An Ordinance amending Ordinance No. 44-213 of the City of Wichita, Kansas declaring Broadway, from Kellogg to Douglas (472-82412) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same., read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

ORDINANCE NO. 46-587

3. An Ordinance amending Ordinance No. 46-189 of the City of Wichita, Kansas declaring 9th Street Bridge at the Westlink Tributary to Cowskin Creek (472-84021) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

- c) First Supplemental and Amending Trust Indenture, Beauty First Project. (District II)

ORDINANCE NO. 46-588

An Ordinance prescribing the form and authorizing execution of a first supplemental and amending trust indenture by and between the City and Sunflower Bank, N.A., Salina, Kansas, as Trustee with respect to the City of Wichita, Kansas, taxable Industrial Revenue Bonds, Series IV-A, 2004 (Beautyfirst, Inc. Project) and subordinated taxable Industrial Revenue Bonds, Series IV-B, 2004 (Beautyfirst, Inc. Project), read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

- d) Tax Exemption Request, ZTM, Inc. (District III)

ORDINANCE NO. 46-589

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc., so exempted, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

- e) Tax Exemption Request, Custom Cupboards, Inc. (District IV)

ORDINANCE NO. 46-590

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Custom Cupboards, Inc. so exempted, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 374

- f) Authorize Section 108 Wichita Biz Loan Program Amendments.

ORDINANCE NO. 46-591

An Ordinance of the City of Wichita, Kansas, further amending Section 4 of Ordinance No. 45-497, repealing the prior version of such section and repealing Section 3 of Ordinance No. 45-942, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 1. Yeas: Brewer, Fearey, Martz, Skelton, Mayans. (Gray, no; Schlapp absent).

- g) Revision of Chapter 7.72-Pools, Spas and other Water Features.

ORDINANCE NO. 46-592

An Ordinance amending Sections 7.72.010, 7.72.020, 7.72.030, 7.72.040, 7.72.050, 7.72.050, 7.72.060, 7.72.070, 7.72.080, 7.72.090, 7.72.100, 7.72.110, 7.72.120, 7.72.130, 7.72.140, 7.72.150, 7.72.160, 7.72.170, 7.72.180, 7.72.190, 7.72.200, and 7.72.220 and repealing existing versions of those Code Sections of the City Code and enacting new Sections 7.72.03, 7.72.095, 7.72.121, 7.72.191, 7.72.193, 7.72.197, 7.72.201, 7.72.202, 7.72.230 and repealing existing Section 7.72.210 of the Code of the City of Wichita, Kansas pertaining to swimming pools, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

- h) Hydraulic Improvement between 57th Street South and 63rd Street South. (District III)

ORDINANCE NO. 46-593

An Ordinance declaring Hydraulic, between 63rd St. South and 57th St. South (472-84118) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

- i) Amendments, Sections 3.95.080 and 3.95.120, relating to Transient Merchants.

ORDINANCE NO. 46-594

An Ordinance amending Sections 3.95.030, 3.95.080 and 3.95.110 of the Code of the City of Wichita, Kansas pertaining to transient merchants and temporary sales of certain merchandise within the City, and repealing the originals of said Sections, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).

- j) ZON2004-67 - generally located at the southwest corner of Hydraulic Avenue and 13th Street North. (District I)

ORDINANCE NO. 46-595

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent). (ZON 2004-67)

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 375

- k) ZON2005-00004 - generally located north of Central and east of McComas. (District VI)

ORDINANCE NO. 46-596

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent). (ZON 2004-67)

- l) ZON 2003-42 - southwest corner of 21st Street North and Greenwich Road. (District II)

ORDINANCE NO. 46-597

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).. (ZON 2003-42)

- m) A05-07R - request by Maple Group, LLC to annex lands generally located northeast of the intersection of 151st Street West and Maple Street. (District V)

ORDINANCE NO. 46-598

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Skelton, Mayans, (Schlapp absent).. (A05-07R)

NEW BUSINESS

HUD

HUD CONSOLIDATED PLAN-SUBSTANTIAL AMENDMENT.

Mary K. Vaughn

Director of Housing Services reviewed the item.

Agenda Report No. 05-0452

Staff has prepared a substantial amendment to the 2005/2006 One Year Action Plan for the Good Gang project. Good Gang project provides mentoring, tutoring, educational and recreational activities to at risk youth throughout the community.

The proposed CDBG substantial amendment is consistent with the City Council's previous action to adopt the 2005/2006 One Year Action Plan. This project is eligible under CFR 570.201(e) as a public service and as a limited clientele activity under CFR 570.208(i)(2)(B).

The Good Gang Project will be funded from program income that has been collected since the approval of the 2005/2006 One Year Action Plan. Total CDBG funding in the amount of \$3,000 will be provided to the Good Gang Project for the provision of supplies and staff. Total project costs are \$17,712 with the balance provided from other sources.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 376

HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan. All citizen comments received will be presented to the City Council for consideration before the amendment is adopted. HUD must be notified of approved amendments to the Consolidated Plan before they can be implemented.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that a 30-day public comment period be authorized and the substantial amendments subject to citizen comments received be approved. Motion carried 7 to 0.

DIVERSITY TEAM

WICHITA SUPPLIER DIVERSITY TASK TEAM.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report No. 05-0453

The City Council appointed a 15-member task force to address concerns expressed to the City Council by minority business owners. The task given to the team by the City Council was general in nature – conduct an investigation to determine if allegations of racial discrimination in the City's purchasing process were valid. The team presented 14 recommendations on March 16, 2004. The report was received and filed. Staff reviewed the 14 recommendations and provided responses to the City Council in May 2004 workshop.

The council appointed an on-going task team to review the recommendations and work with staff to provide a combined response to City Council. An Emerging and Disadvantaged Business Enterprise Policy and Procedure Manual was developed by staff and reviewed by the task team. The policy manual sets forth the mission, the vision, and a policy statement for the City of Wichita. The manual also provides guidelines for tracking and reporting requirements, definitions and outreach staff responsibilities.

The Wichita Supplier Diversity Task Team and City staff provided an overview of the policy and milestones for the future at the April 26 workshop. The current task team has agreed to serve through June 2005. Recommendation #12 requests the City Council appoint an on-going team with two-year staggered terms.

The task team recommended the addition of a Compliance Officer position within the Purchasing Division of Finance. The position is estimated at \$55,000 in 2006 (including benefits).

The Emerging and Disadvantaged Business Enterprise Policy and Procedure Manual has been approved by the Department of Law.

Council Member Fearey

Council Member Fearey inquired if this would be a brand new position or will another position that has been in the budget going to be taken out and replaced with this one.

Kelly Carpenter

Director of Finance explained that it will be a brand new position but they are looking at some restructuring within finance to eliminate some other positions to help pay for this position.

Mayor Mayans

Mayor Mayans asked if the compliance officer position should be in finance or separate from finance and under the City Manager's office. Stated that this would do two things, remove any perception that the compliance officer works for the people handling the contracts and it would increase the visibility and importance for the management team.

George Kolb

City Manager stated that in terms of what the Council is tasking staff to do, which is primarily record keeping, education and insuring that there is compliance, he does not believe that it is inappropriate to put this in the purchasing area and have it stay in finance. Stated that in the future, if it is noted that progress is not being made and that we need more enforcement, then it would be appropriate to look at locating it outside of finance.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 377

- Mayor Mayans Mayor Mayans stated that he was not saying that it would inappropriate but he wanted to increase the visibility and importance of the position.
- George Kolb City Manager stated that this position would primarily be dealing with education, record keeping, visiting contractors, etc. It is not going to be taking complaints and doing enforcement at this time. Stated that at some point in the future, staff may come back to the Council and ask for an expansion of that.
- Council Member Schlapp Council Member Schlapp stated that this is an issue that has been of such importance to the City and asked if staff would come back in a year to review this position and to see if it is accomplishing what we thought it was going to accomplish. Stated that in the past there have been some concerns and perceptions that we start doing things and then we do not continue on with them. Asked that a year from now that there is a report made to the Council on this position and any other information that they should have.
- Kelly Carpenter Director of Finance stated that they will be working with the ongoing task team and in their quarterly financial reports they will start providing the Council with additional information so that the will see where we are going and what our future goals are.
- George Kolb City Manager stated that the task team had proposed to come back to the Council with a report that would be independent of ours. Stated that staff had proposed to the Council that they would come back in six months and look at it and that they may still do this and make a presentation as to what they have found out during the first six months before the year is done. Stated that the Council will be kept informed as to where they are on this issue.
- Council Member Brewer Council Member Brewer stated that he would like to emphasize how important it is that this process and what we are doing actually work. Stated that he does not want it to be a situation where we put something into place and feel comfortable and then we go back to the old status quo. Stated that he does not want the Council getting reports from the task team that staff is not working with them and that he would like this to work. Stated that this has embarrassed the City and Council and he would like the City Manager to understand how important it is that this works.
- George Kolb City Manager stated that when he was first hired, this was one of the issues at the top of the Council's list and he is taking it to heart and cannot guarantee that the plan will work but that this is a good direction for us to move in and develop trends so that we can see where issues are and how we can address those more aggressively.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Denise Sherman Ms. Sherman stated that she is the Co-Chair of the Supplier Diversity Task Team and that she is here today in support of the action plan that has been presented before the Council by the City staff and the Supplier Diversity Task Team is pleased with the cooperation and the commitment to improve the current purchasing procedures from the City of Wichita. Stated that preliminary activity has been positive and headed in the right direction and the task team appreciated the opportunity to share on-going concerns and provide input for the next phase at the April 26th City Council workshop. Stated that it is their intent to continue to focus on issues that need improvement and feels that it is crucial to continue in order to get the best results and outcomes. Stated that the areas that continue to need focus are the bid process, compliance officer, out-reach and education, policy and procedure manual, bonding process, mentoring or construction college, prime contractor and sub-contractor partnership and the tracking process. Stated that the Supplier Diversity Task Team is encouraging the ongoing monitoring of this process by appointing a 14 member task team for the 2005-2006 term and that they will continue to review the outcomes for the coming year.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 378

- Council Member Brewer Council Member Brewer stated that many of the individuals on the task team have asked to continue and would like to resubmit those names and reappoint them at next weeks meeting to get them back on their way.
- Motion-- Mayans moved that the Emerging and Disadvantaged Business Enterprise Policy and Procedure manual be approved; the Action Plan be received and filed and the creation of a Compliance Officer position within the next salary ordinance be authorized. Motion carried 7 to 0.
- carried

PLANNING AGENDA

- Motion--carried Mayans moved to approve the Planning Consent items 18-21 as presented. Motion carried 7 to 0.

CUP2002-00038 **CUP2002-00038 (DP67 AMENDMENT #5) AND ZON2002-00055-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR AN AMENDMENT TO THE NORTHBOROUGH COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM GENERAL OFFICE AND MULTI-FAMILY TO OFFICE WAREHOUSE. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND EAST OF WOODLAWN. (DISTRICT II)**

Agenda Report No. 05-0454

Staff Recommendation: Approve extended platting deadline of August 31, 2005.

On January 7, 2003, the City Council approved an amendment to DP-67 Northborough CUP and a zone change from "GO" General Office and "MF-18" Multi-Family to "OW" Office Warehouse on approximately 47 acres generally located south of 21st Street North and east of Woodlawn. Approval of the request was subject to the condition of platting the property within one year. An extension of time to complete platting subsequently was granted by City Council on September 14, 2004, which required the plat to be completed by November 30, 2004. A plat has yet to be submitted, and the extended platting deadline has lapsed. The applicant indicates in the letter from their agent that platting the property has been delayed while exploring marketing opportunities and due to changing the company that will prepare the plat. Therefore, the applicant has requested an extended platting deadline of August 31, 2005. Such an extension of time to complete platting requires City Council approval.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP amendment and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP amendment and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

- Motion-- Mayans moved that the extended platting deadline of August 31, 2005 be approved. Motion carried 7 to 0.
- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 379

CUP2002-00039

CUP2002-00039 (DP-263) AND ZON2002-00057-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE WOODBOROUGH COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF ROCKHILL AND EAST OF WOODLAWN. (DISTRICT II)

Agenda Report No. 05-0455

Staff Recommendation: Approve extended platting deadline of August 31, 2005.

On February 4, 2003, the City Council approved the creation of DP-263 Woodborough Commercial CUP and a zone change from "SF-5" Single-Family to "LC" Limited Commercial on approximately seven acres generally located south of Rockhill and east of Woodlawn. Approval of the request was subject to the condition of platting the property within one year. An extension of time to complete platting subsequently was granted by staff on March 4, 2004, which required the plat to be completed by May 4, 2004. A plat of the property was approved by the Planning Commission on March 11, 2004. However, the conditions of platting have yet to be completed, and the extended platting deadline has lapsed. The applicant indicates in the letter from their agent that platting the property has been delayed while negotiating with Westar regarding a utility easement and due to changing the company that will finalize the plat. Therefore, the applicant has requested an extended platting deadline of August 31, 2005. Such an extension of time to complete platting requires City Council approval.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Mayans moved that the extended platting deadline of August 31, 2005 be approved. Motion carried 7 to 0.

CUP2003-00052

CUP2003-00052 (DP-268) AND ZON2003-00050-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE HOLLAND COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0456

Staff Recommendation: Approve extended platting deadline of August 31, 2005.

On December 16, 2003, the City Council approved the creation of DP-268 Holland Commercial CUP and a zone change from "SF-5" Single-Family and "LC" Limited Commercial to "GC" General Commercial on approximately 12 acres generally located north of Kellogg and west of Tyler. Approval of the request was subject to the condition of platting the property within one year. A plat of the property was submitted, but deferral of any action on the plat was requested by the applicant prior to any hearings on the request. The applicant indicates in the letter from their agent that platting the property has been delayed while exploring marketing opportunities for the property, while awaiting completion of the Kellogg overpass at Tyler, and due to changing the company that will finalize the plat. Therefore, the applicant has requested an extended platting deadline of August 31, 2005. Such an extension of time to complete platting requires City Council approval.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 380

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Mayans moved that the extended platting deadline of August 31, 2005 be approved. Motion carried 7 to 0.

SUB2004-04

SUB2004-04-PLAT OF PARKER OIL ADDITION, LOCATED ON THE WEST SIDE OF WEST STREET AND SOUTH OF MACARTHUR ROAD. (DISTRICT IV)

Agenda Report No. 05-0457

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (6-0)

This site, consisting of one lot on five acres, was recently annexed into Wichita's city limits. The site is zoned LI, Limited Industrial District.

Municipal services are available to serve the site. Restrictive Covenants have been submitted to provide cross-lot drainage and cross-lot access for the benefit of the property to the north.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

HOUSING AGENDA

Mary K. Vaughn

Director of Housing Services stated that Housing Member Inafay Grays-McClellan is on her way.

Gary Rebenstorf

Director of Law explained that since the City Council is the Governing Body along with Inafay and as long as there is a majority of the Board sitting, they can go ahead and act without her being here.

Motion--
--carried

Mayor Mayans moved to approve the Consent Housing Agenda item 22 as presented. Motion carried 7 to 0, (Inafay Grays-McClellan not present).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 381

GRANT APPLIC.

GRANT APPLICATION.

Agenda Report No. 05-0458

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the continued funding for the Family Self Sufficiency Program Coordinator position. The NOFA also allows housing authorities to request funding for one additional FSS program coordinator to support homeownership activities for its FSS program participants.

The Family Self Sufficiency (FSS) program is a requirement established by HUD several years ago as a condition of receiving additional Section 8 vouchers. The program is voluntary for any given tenant, however, it establishes a considerable incentive for Section 8 tenants to increase their income potential and eventually become independent of public assistance. The FSS coordinator works with the program participants to facilitate the connection with community resources such as job training, which will enable the tenants to reach self-sufficiency. While not a goal prescribed by HUD, numerous FSS participants have entered the Homeownership 80 program and/or the Housing Choice Voucher Homeownership program at the completion of the FSS program and have become homeowners.

HUD requires the FSS program.

The amount of the application is \$171,200, which would cover the salary and fringe benefits of two family self-sufficiency program coordinators currently employed and one additional coordinator (new position) to support homeownership activities. Since HUD mandates the program, this funding source will enable the housing authority to hire the needed staff to administer the program.

Motion--
--carried

Mayans moved that the application and grant award upon receipt be approved and the necessary signatures authorized. Motion carried 7 to 0, (Inafay Grays-McClellan absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray Council Member Gray requested that Tom Engleman be appointed to the Library Board.

Council Member Brewer Council Member Brewer requested that Randy Brown be appointed to the Library Board.

Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 10:00 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to : potential litigation; legal advise; contract negotiations and preliminary discussion relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 10:30 a.m. and reconvene in the City Council Chambers of City Hall.
--carried Motion carried 7 to 0.

Motion--carried Mayans moved to extend the Executive Session until 10:45 a.m. Motion carried 4 to 0, (Fearey, Martz and Schlapp not present).

Motion--carried Mayans moved to extend the Executive Session until 11:10 a.m. Motion carried 4 to 0, (Fearey, Martz and Schlapp absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 183

May 10, 2005

PAGE 382

RECONVENE

The Council reconvened in the City Council Chambers at 11:15 a.m. and announced that no action was taken.

Motion--carried

Mayans moved at 11:15 a.m. to close the Executive Session. Motion carried 7 to 0.

Motion--carried

Mayans moved at 11:16 a.m. to close the Regular Meeting. Motion carried 7 to 0.

Adjournment

The meeting adjourned at 11:16 a.m.

Respectfully submitted,

Karen Sublett
City Clerk